

HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL PETITION No.9807 of 20141

Order:

Heard the counsel for the petitioners as well as the 2nd respondent and the learned Public Prosecutor.

The petitioners, who are accused Nos.1 to 5 in Crime No.50 of 2011, filed this criminal petition to quash the proceedings initiated against them for the offences under Sections 307, 354 and 506 IPC read with Section 34 IPC on the file of Police Station, Ballikurva, Prakasam District.

Originally, the 2nd respondent herein filed a private complaint before the Additional Junior Civil Judge, Addanki, against the petitioners for the offences under Sections 307, 354 and 506 IPC read with Section 34 IPC. The said complaint was referred to police under Section 156(3) Cr.P.C. After receipt of the said complaint, the Police Station, Ballikurva, registered a crime vide F.I.R.No.50 of 2011 for the offences mentioned above. Aggrieved by the registration of the said crime, the present petition is filed.

A perusal of the private complaint filed by the 2nd respondent would reveal that when petitioner No.1 with an intention to kill her, caught hold of and pressed her throat, then the remaining accused loudly proclaimed that kill her, kill her. Then the neighbours came there and rescued the 2nd respondent. The specific allegation made in the complaint is as follows:

“Then, all the accused with a common intention, conspired together to cause wrongful loss to the complainant and wrongful gain to them came to the house of the complainant at Ammadapudi (V), Ballikurava (M) on 21.08.2011 at about 11.00 a.,, so saying that “ఏమే నోటీసు పంపిస్తావా అద్దెవాళ్ళకు - నిన్ను ఈ రోజు చంపిస్తామని, అంటూ”. A-2 caught hold of the hands of the complainant with outrage her modesty, then A-1 with an intention to kill the complainant caught hold of throat of the complainant and pressed her throat, then the remaining accused loudly proclaiming that kill her, kill her, then neighbours by name Jonnalagadda Bullemma, Badugu Kalavathi, badugu Peda Poleraiah came there, save the complainant from the accused. Otherwise, the accused kill the complainant. All the accused threatened her with a dire consequences that any day they will kill the complainant.”

In the light of the above said specific allegation made in the complaint and when the crime is under investigation, this Court is not inclined to interfere with the investigation.

Accordingly, the criminal petition is dismissed. However, the investigating officer is directed to complete the investigation within a period of three months from the date of receipt of a copy of this order and file charge sheet. It is made clear that if the presence of the petitioners is required during the investigation of the crime, the investigating officer may invoke the provisions of Section 41(a) Cr.P.C. as per law. Interim order, if any, shall stand vacated.

Miscellaneous petitions, if any, shall also stand dismissed.

JUSTICE P. KESHAVA RAO

Date: 27.10.2017.
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